



# Public Notice

**U.S. Army Corps  
of Engineers**  
Pittsburgh District

In Reply Refer to  
Notice No. below

US Army Corps of Engineers, Pittsburgh District  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

Application No. 200400792

Date: November 2, 2006

Notice No. 06-53

Closing Date: December 14, 2006

## **PUBLIC NOTICE AND NOTICE OF PUBLIC HEARING**

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). The activities are being evaluated after the fact for individual permit authorization to ensure compliance with regulatory standards. Work had commenced and fills were completed under the Pennsylvania State Programmatic General Permit (PA SPGP-2) which was verified by letter dated February 18, 2005.

2. APPLICANT: Echo Warren Associates, LP  
701 Alpha Drive  
Pittsburgh, PA 15238

3. PROJECT: Warren Commons Retail Center, North Warren, Conewango Township, Warren County, Pennsylvania. The proposed retail center will include a Wal-Mart, Lowes, Small Shops and additional out parcels.

4. HEARING NOTICE: Notice is hereby given that a Public Hearing will be conducted by the United States Army Corps of Engineers (Corps). The Pennsylvania Department of Environmental Protection will also participate in this hearing. The hearing will be held as follows:

A. Hearing Date: December 4, 2006

B. Time: 6:30 PM formal Hearing Testimony. Registration and an Open house with current plans available for review will begin at 5:30 PM

C. Hearing Location: Warren Holiday Inn  
210 Ludlow Street  
Warren, PA 16365

D. Purpose: The Public hearing will be held from 6:30 until 8:30 PM or until all those desiring to testify have had an opportunity to speak. All interested parties are invited to be present at the above time and place including officials from any local government, association, or private citizen whose interest may be affected by the proposed activity. All views expressed

should be based on factual information related to the permit action. Oral Statements supporting or opposing the proposed facility will be heard, and written statement will be accepted. All statements will become part of the official record of the application.

This Public Hearing is being conducted to ensure that every effort is made to identify and weigh all beneficial and adverse effects of the proposed activity as part of the National Environmental Policy Act (NEPA) and the Corps' Public Interest Review.

E. Registration: Individuals who wish to give testimony are encouraged to pre-register by contacting Linda Everley at 412-395-7152, prior to the day of the hearing. Individuals may also register in person at the hearing registration desk the evening of the hearing. Public speaking allotments may be limited to 5 or 10 minutes based on the number of individuals wishing to give testimony. Additional testimony may be submitted in writing the day of the hearing and written comments will also be accepted until 4:00 PM December 14, 2006. The hearing location is accessible to persons having disabilities. Any person requiring special assistance is requested to contact Linda Everley at 412-395-7152. Groups with common interests are encouraged to consolidate their comments for presentation by a representative spokesperson.

5. PROJECT LOCATION: The project is located at the northwest corner of the intersection of U.S. Route 62 (Market Street Extension) and S.R. 69 (Jackson Run Road) within Conewango Township, Warren County, Pennsylvania. The project will impact wetlands onsite and include stormwater outfalls to Conewango Creek and Jackson Run.

6. PURPOSE AND DESCRIPTION OF WORK: The applicant has placed fill to facilitate the construction of approximately 396,000 square feet of retail space, on a 52.3 acre parcel, with excess fill from the project being placed on a 15.05 acre parcel to the north.

This project was initially evaluated under the Pennsylvania State Programmatic General Permit (PA SPGP-2), and the proposed discharges were verified by letter dated February 18, 2005. Since that time the project has commenced and all fills described below have been completed. Based in part upon claims in a litigation action, the Corps has determined reconsideration of the impacts that have occurred as a result of this project is appropriate. According to assertions in the referenced litigation, greater than 1.0 acre of waters of the U.S. have been disturbed and therefore the activity no longer qualifies for authorization under the SPGP-2. The discharges of dredge or fill material are now being evaluated for an individual Department of the Army Permit.

Aquatic resource impacts associated with the project include the following:

Wetland Impacts:

Wetland A consists of a 2.97 acre area in the southwest corner of the parcel. Approximately 0.56 acre of this area has been impacted by the construction of the wetland mitigation area. Impacts have occurred from vegetation removal, excavation, and mound and berm construction, and portions of such activities are subject to regulation by the Corps. These impacts are viewed as an enhancement to the existing system as the current functions are limited by the monotypic dominance of reed canary grass. The mitigation proposal and stormwater management plan includes drainage modifications to preclude adverse impacts to the remaining wetland areas and field review supports such conclusions. The applicant is also proposing some

invasive species control and plantings within 0.3 acre of this area as an additional mitigation measure to offset previously un-permitted impacts to wetland B.

Wetland B was a 0.69 acre emergent system in the northwest portion of the tract. The applicant initially proposed impacting 0.37 acre of this area and avoidance of 0.32 acre. However, field review of the site indicates that as a result of grading and temporary filling, an additional 0.06 acre has been directly impacted. It is also evident that the adjacent construction activities and changes in hydrologic patterns will result in adverse impacts to the entire 0.69 acre system.

Wetland C consisted of three areas totaling 0.25 acre, near the middle of the parcel, and these where emergent systems formed because of failing drainage tile. These areas have been completely filled as a result of the site grading.

In summary, the total wetland impacts associated with the activity include the following: fills - 0.62 acre, and secondary impacts from additional encroachment and drainage - 0.32 acre. Further discharges of dredge or fill material have resulted in some portion of a 0.56 acre area of wetland A, as a result of the original wetland enhancement and mitigation proposal.

#### Stream Impacts:

Jackson Run is located off of the site approximately 700 feet to the south of the development site. An existing outfall in Jackson Run has been replaced by two new 36 inch outfall pipes. The outfall structure is above the ordinary high water elevation however, a rock apron has been installed in an existing gravel bar to minimize erosion from the outfall. The area of fill below ordinary high water and subject to regulation is approximately 341 square feet. Such stabilization measures are considered standard best management practices, and are part of the applicant's comprehensive stormwater management plan.

Conewango Creek is located approximately 2000 feet east of the site and the original application proposed to utilize an existing stormwater outfall for conveyance and discharge of stormwater from the site. As a result of required modifications to stormwater plans, an additional larger outfall had to be installed that discharges to Conewango Creek. A new 42 inch outfall has been constructed on the banks of Conewango Creek. The outfall is above ordinary high water; however, rock stabilization was installed from the concrete apron down to the low water elevation of the creek. The fill area subject to Corps jurisdiction on the bank is approximately 238 square feet. Such stabilization measures are considered standard best management practices, and are part of the applicant's comprehensive stormwater management plan.

Western ephemeral channel. A small ephemeral stream channel to the west of the development area was lined with rip-rap material. Approximately 150 linear feet of channel was lined to minimize erosion. This channel had been historically relocated to a ditch along an existing small service road.

#### Mitigation:

The applicant has completed the following mitigation activities to offset the adverse impact to the existing wetlands. Mitigation has been completed on-site in an area adjacent to wetland A. This is an area that previously contained a large pile of rubble and debris from previous construction activities. Mitigation measures included removing this debris and excavating the area adjacent to the existing wetland. The mitigation area constructed totals 1.72 acres. Of this 0.83 acre of additional wetland has been created, 0.56 acre of existing wetland

enhanced, and 0.33 acre of upland buffered restored around the perimeter of the area. To mitigate for the 0.32 acre of impacts that have occurred to Wetland B, that were not previously authorized the applicant has proposed creating an additional 0.20 acre shallow marsh area adjacent to wetland A and the existing mitigation area. An additional 0.05 acre of upland buffer would be established and enhancements are proposed within 0.3 acres of Wetland A. Such enhancements would include invasive species control and plantings to increase the functional capacity of the system.

Drawings of the proposed project are attached to this notice.

7 ENCROACHMENT PERMIT: The original applicant, ECHO Fund I Holdings, L.P. received a State Chapter 105 permit, E62-430, on June 21, 2005. This State authorization was transferred to ECHO Warren Associates, LP on July 14, 2005. This State authorization included Section 401 Water Quality Certification.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT: The applicant received the appropriate Section 402 Authorization from the State on June 20, 2005, and such authorization was subsequently amended on September 28, 2005. Stormwater discharges are authorized under State Permit No. PAG2006204005.

Questions regarding these state authorizations should be directed to:

Pennsylvania Department of Environmental Protection  
Northwest Regional Office  
Permitting and Technical Services Section  
230 Chestnut Street  
Meadville, PA 16335

Telephone: 814-332-6984

8. IMPACT ON NATURAL RESOURCES: It has been brought to the attention of the Corps that endangered northern riffleshell mussels have been collected at several locations within Conewango Creek, although not within the project area. The District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect the continued existence of any threatened and/or endangered species, including the northern riffleshell mussel, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. The Corps also notes that the stormwater discharges are regulated by the State under the State NPDES permit program, and those discharges are already subject to endangered species review under the State authorizations previously noted. The Corps has also determined that the placement of the rock stabilization associated with the outfall structures in Conewango Creek and Jackson Run, had no effect on threatened or endangered species, based on the fills being installed above the normal low water elevation. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant

to Section 7(c) of the Endangered Species Act of 1972 (as amended).

9. IMPACT ON CULTURAL RESOURCES: A Phase I Archeological Survey was completed for the project area which documented no archeological resources within the project area. The Pennsylvania Historical and Museum Commission (PHMC) concurred with these findings. To address the adverse impact to historic structures on this property the applicant, Corps, and PHMC entered into a Memorandum of Agreement as required under the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515). The National Register of Historic Places has been consulted, and it has been determined that there are no additional properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistoric, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act.

10. PUBLIC INVOLVEMENT: This Public Notice is being circulated to solicit comments on the project and to advertise the Public Hearing on the activity. Any person may attend and submit comments at the Public Hearing. Comments on the action may also be submitted in writing, at the Public Hearing or mailed to the letterhead address within the comment period specified in the paragraph below entitled "RESPONSES".

11. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator,

Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act (40 CFR Part 230). The applicant has submitted an alternatives analysis with their application.

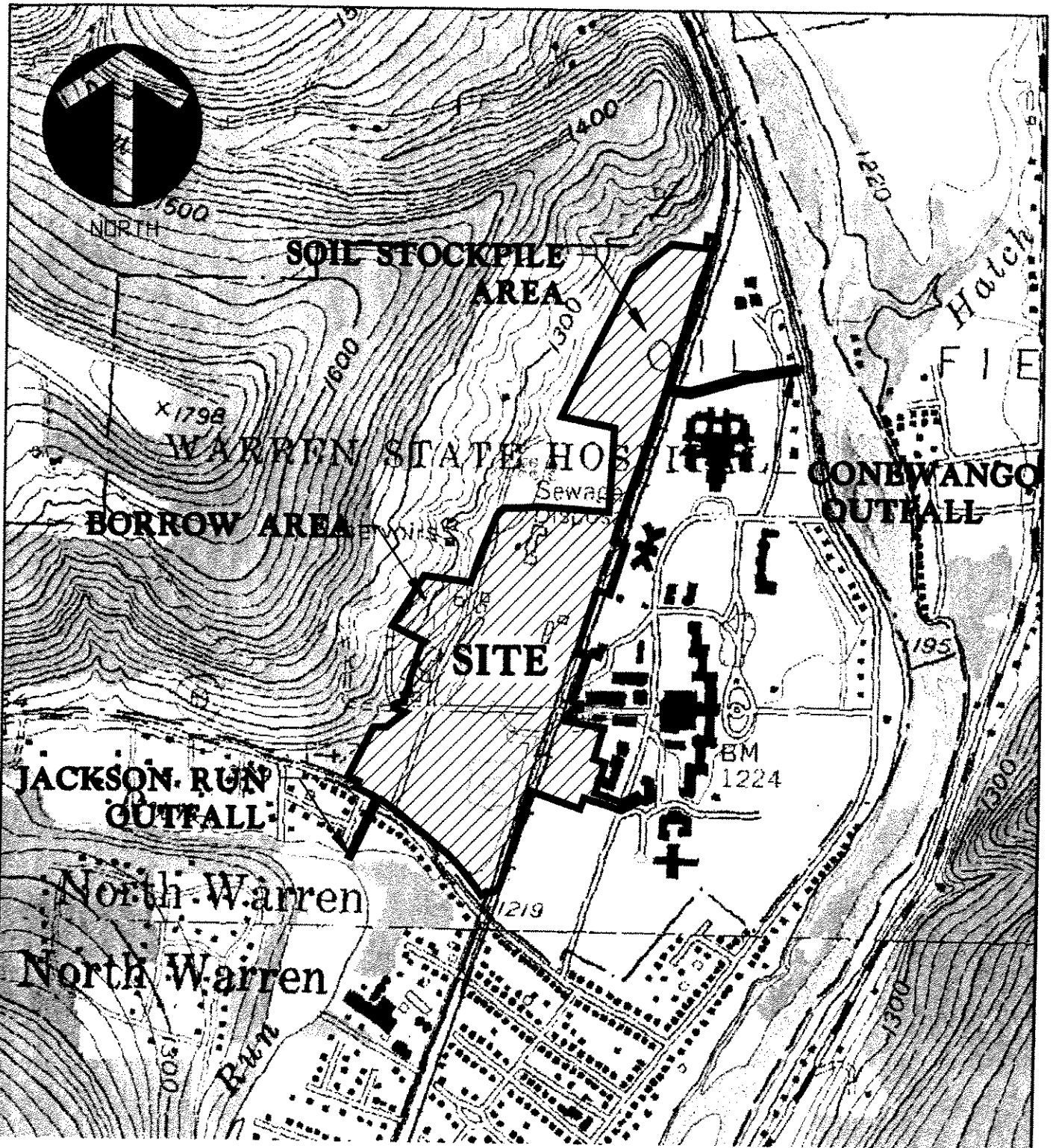
12. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice (December 14, 2006) in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Scott A. Hans, at the above address, by telephone (412) 395-7154, or by e-mail at Scott.A.Hans@usace.army.mil. Please refer to CELRP-OP-F 200400792 in all responses.

FOR THE DISTRICT ENGINEER:

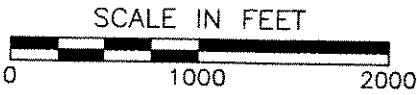
/signed/

Michael J. Cummings, Jr.  
Chief, Regulatory Branch

G:\PROJECTS\2003\231700\DWG\231700 LOCATION MAP.DWG (DHOUCK) - OCT 20, 2006 - 15:44:53



REFERENCE: U.S.G.S 7.5 MIN. TOPOGRAPHIC QUADRANGLE  
RUSSEL, PA PHOTOINSPECTED 1977  
WARREN, PA PHOTOREVISED 1981



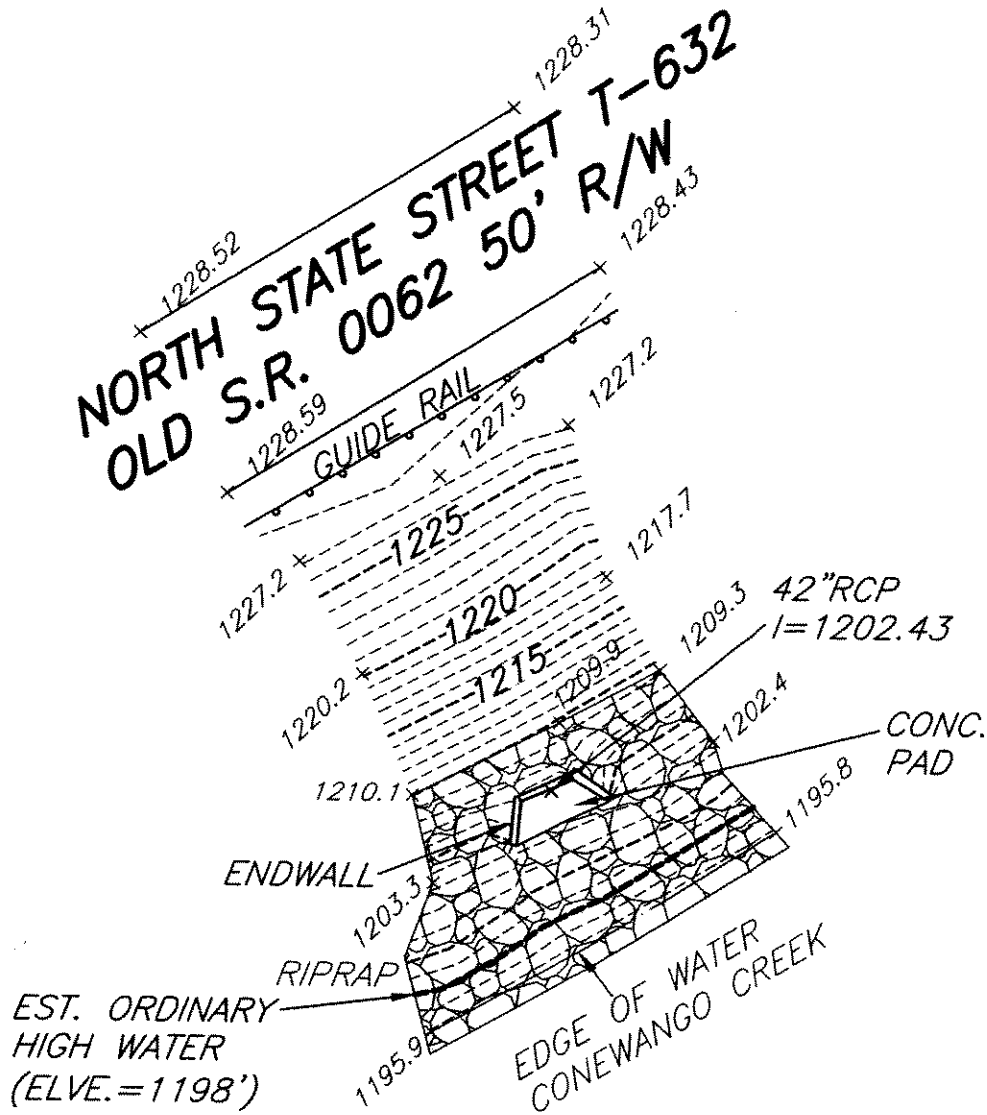
**C&E**  
**Civil & Environmental Consultants, Inc.**  
Pittsburgh, PA 15205  
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Cincinnati, OH • Columbus, OH • Indianapolis, IN • Nashville, TN

SITE LOCATION MAP  
WARREN COMMONS  
WARREN, PENNSYLVANIA

DWN. BY: DBH	SCALE:	DATE:	PROJECT NO:	
CHKD. BY: MRH	1"=1000'	10/20/06	231700	FIGURE 1



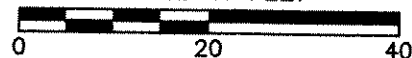
NORTH STATE STREET T-632  
 OLD S.R. 0062 50' R/W



NOTE:

APPROX. 238 SQ. FT.  
 RIPRAP BELOW OHW

SCALE IN FEET



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**CONEWANGO CREEK  
 STORMWATER OUTFALL  
 WARREN COMMONS  
 WARREN, PENNSYLVANIA**

**DWN. BY: FAS**

**SCALE:**

1"=20'

**DATE:**

10/20/2006

**PROJECT NO.:**

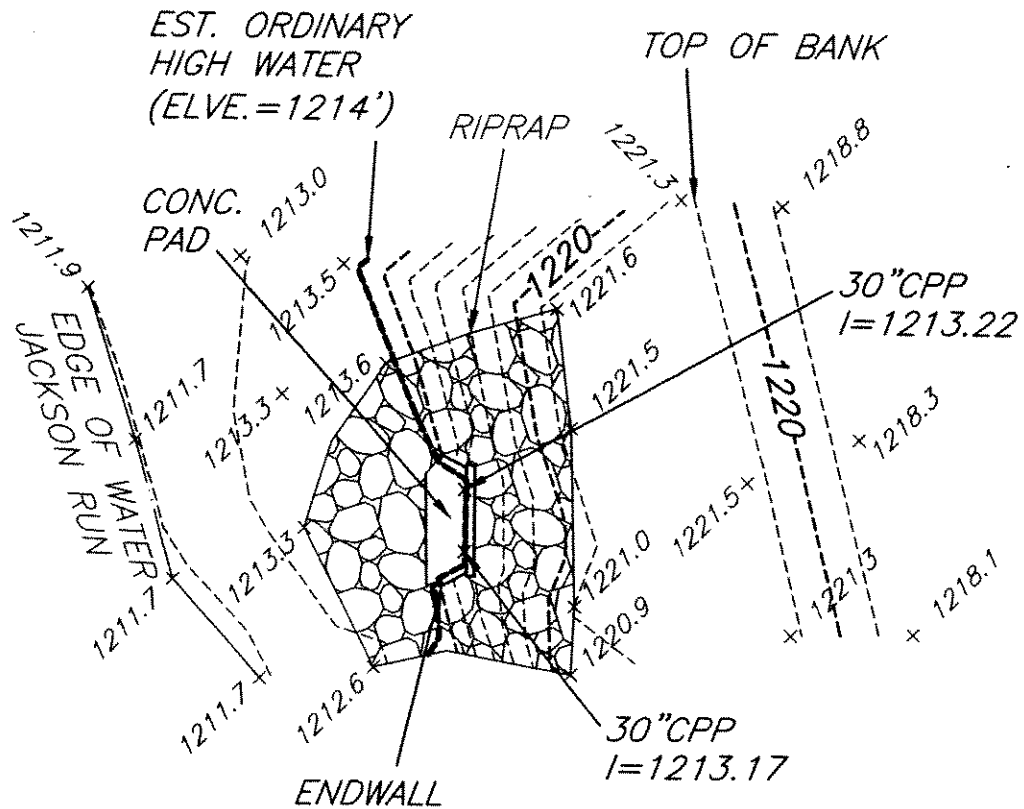
061-838

**FIGURE 2**

**CHKD. BY: EDB**

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NOTE:  
 APPROX. 341 SQ. FT.  
 RIPRAP/CONC. PAD  
 BELOW OHW

SCALE IN FEET



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**JACKSON RUN  
 STORMWATER OUTFALL  
 WARREN COMMONS  
 WARREN, PENNSYLVANIA**

**DWN. BY: FAS**

**SCALE:**

**DATE:**

**PROJECT NO.:**

**CHKD. BY: EDB**

**1"=20'**

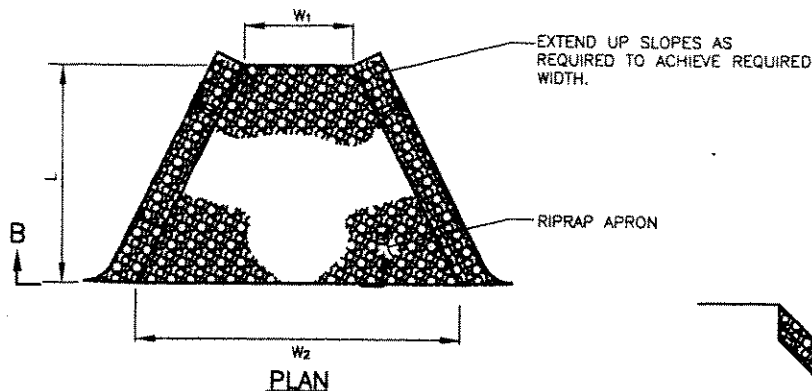
**10/20/2006**

**061-838**

**FIGURE 3**

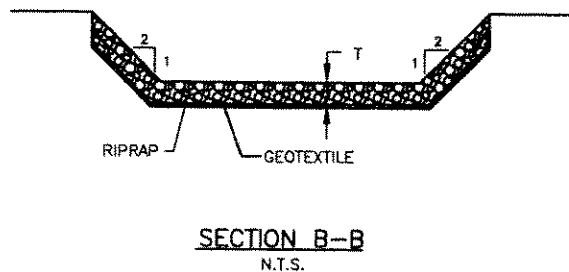
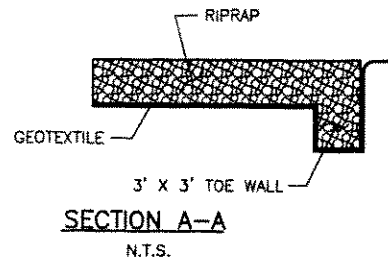
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G:\PROJECTS\2003\231700\DWG\231700-RIPRAP DETAIL 10-20-06.DWG (DHOUCK) - OCT 20, 2006 - 15:45:28



**DIMENSION TABLE**

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1	16	7.50	23.50	6	18	R-4
2	12	6.00	18.00	6	18	R-4
3	8	4.50	12.50	3	9	R-3
4	8	3.75	11.75	3	9	R-3
5	12	6.00	18.00	6	18	R-4
6	12	6.00	18.00	6	18	R-4
7	16	7.50	23.50	6	18	R-4
8A	12	6.00	18.00	6	18	R-4
8B	12	6.00	18.00	6	18	R-4
9	8	4.50	12.50	3	9	R-3
10	28	12.00	40.00	9	27	R-5
11	8	4.50	12.50	3	9	R-3
12	25	10.50	35.50	9	27	R-5
13	22	10.50	32.50	9	27	R-5
14	8	4.50	12.50	3	9	R-3
15	12	6.00	18.00	6	18	R-4
16	6	3.00	9.00	3	9	R-3
17	16	7.50	23.50	6	18	R-4



**DETAIL 6**  
**OUTLET PROTECTION APRON**  
N.T.S.



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RIP RAP DETAIL  
WARREN COMMONS  
WARREN, PENNSYLVANIA

DWN. BY: DBH

SCALE:

DATE:

PROJECT NO.:

CHKD. BY: MRH

1"=1000'

10/20/06

231700

FIGURE 4

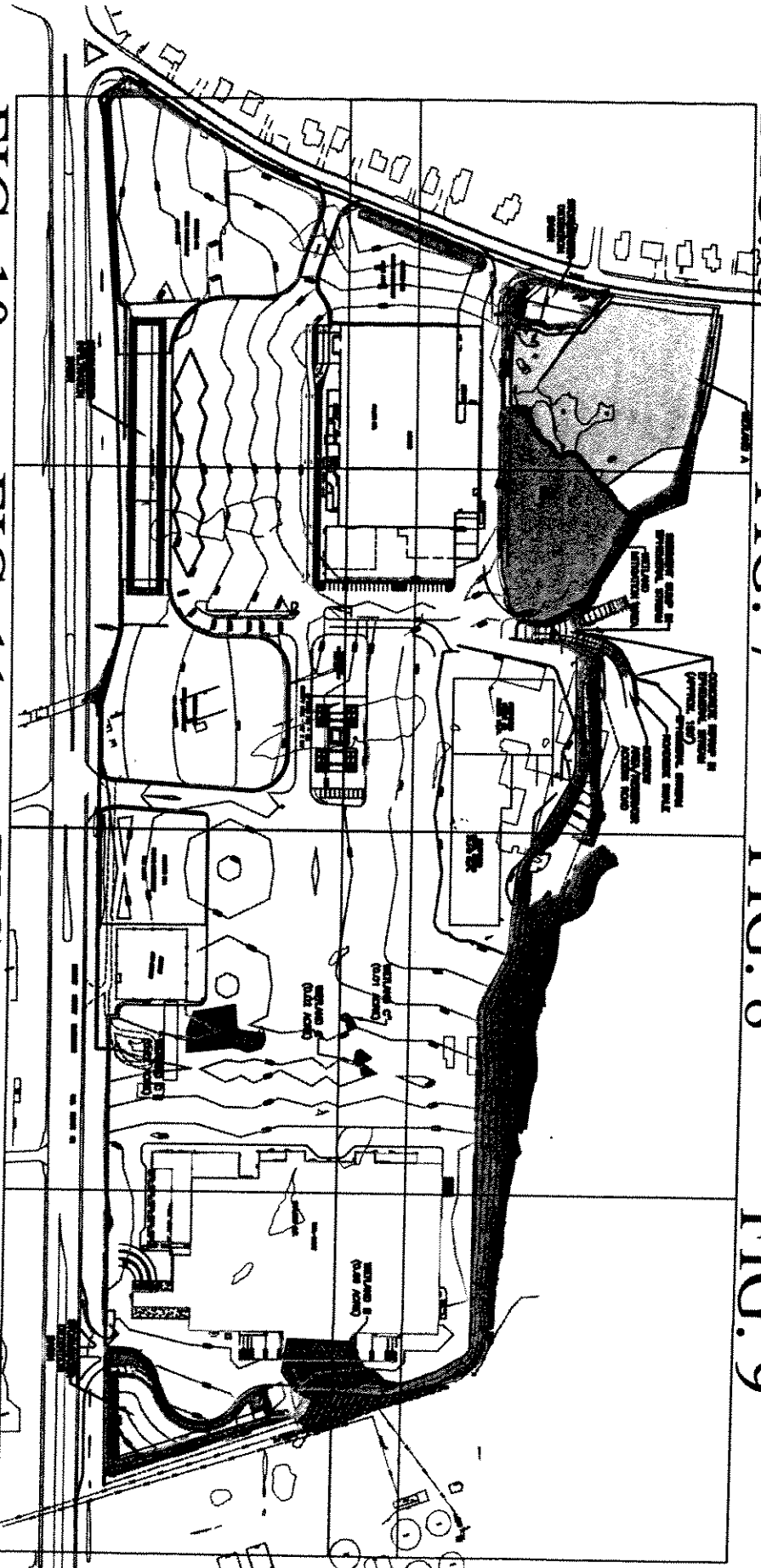


FIG. 6

FIG. 7

FIG. 8

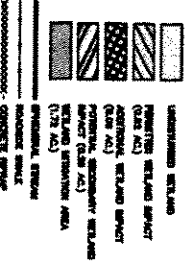
FIG. 9

FIG. 10

FIG. 11

FIG. 12

FIG. 13



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**WETLAND IMPACT  
MATCHLINE DRAWING  
WARREN COMMONS  
WARREN, PENNSYLVANIA**

DWN. BY: DBH

SCALE:

N.T.S.

DATE:

10/20/06

PROJECT NO.:

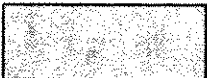

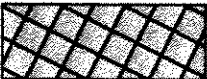

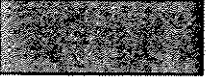



231700

FIGURE NO.:

5

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	UNDISTURBED WETLAND
	PERMITTED WETLAND IMPACT (0.62 AC.)
	ADDITIONAL WETLAND IMPACT (0.06 AC.)
	POTENTIAL SECONDARY WETLAND IMPACT (0.26 AC.)
	WETLAND MITIGATION AREA (1.72 AC.)
	EPHEMERAL STREAM
	ROADSIDE SWALE
	CONCRETE RIPRAP



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**LEGEND**  
**WARREN COMMONS**  
**WARREN, PENNSYLVANIA**

**DWN. BY: DBH**

**SCALE:**

**DATE:**

**PROJECT NO.:**

**CHKD. BY: MRH**

**N.T.S.**

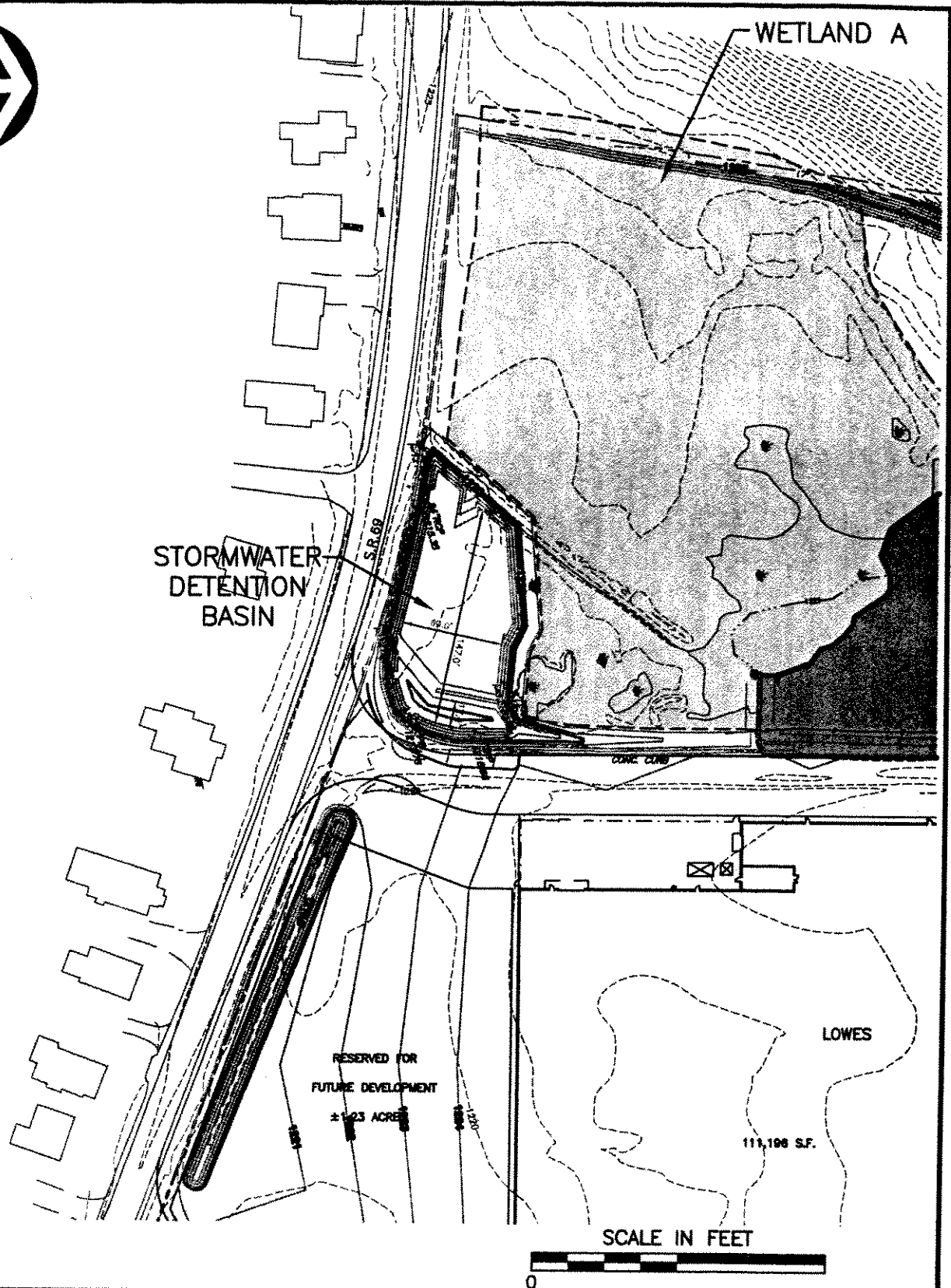
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**231700**

**LEGEND**

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NORTH



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**FIGURE 6  
WARREN COMMONS  
WARREN, PENNSYLVANIA**

**DWN. BY: DBH**

**SCALE:**

**DATE:**

**PROJECT NO.:**

**FIGURE NO.:**

**CHKD. BY: MRH**

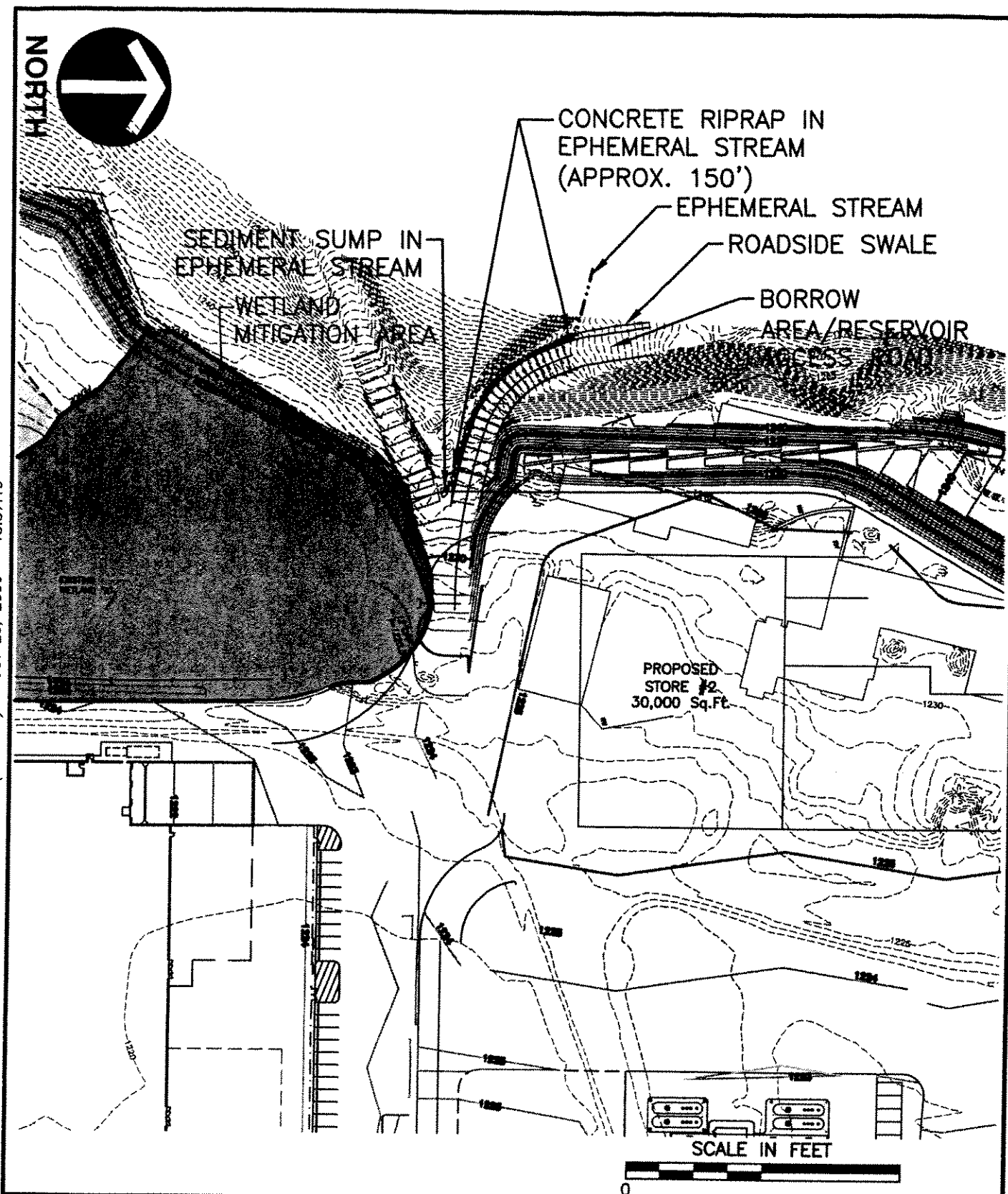
**1"=100'**

**10/20/06**

**231700**

**6**

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**FIGURE 7**  
**WARREN COMMONS**  
**WARREN, PENNSYLVANIA**

**DWN. BY: DBH**

**SCALE:**

**1"=100'**

**DATE:**

**10/20/06**

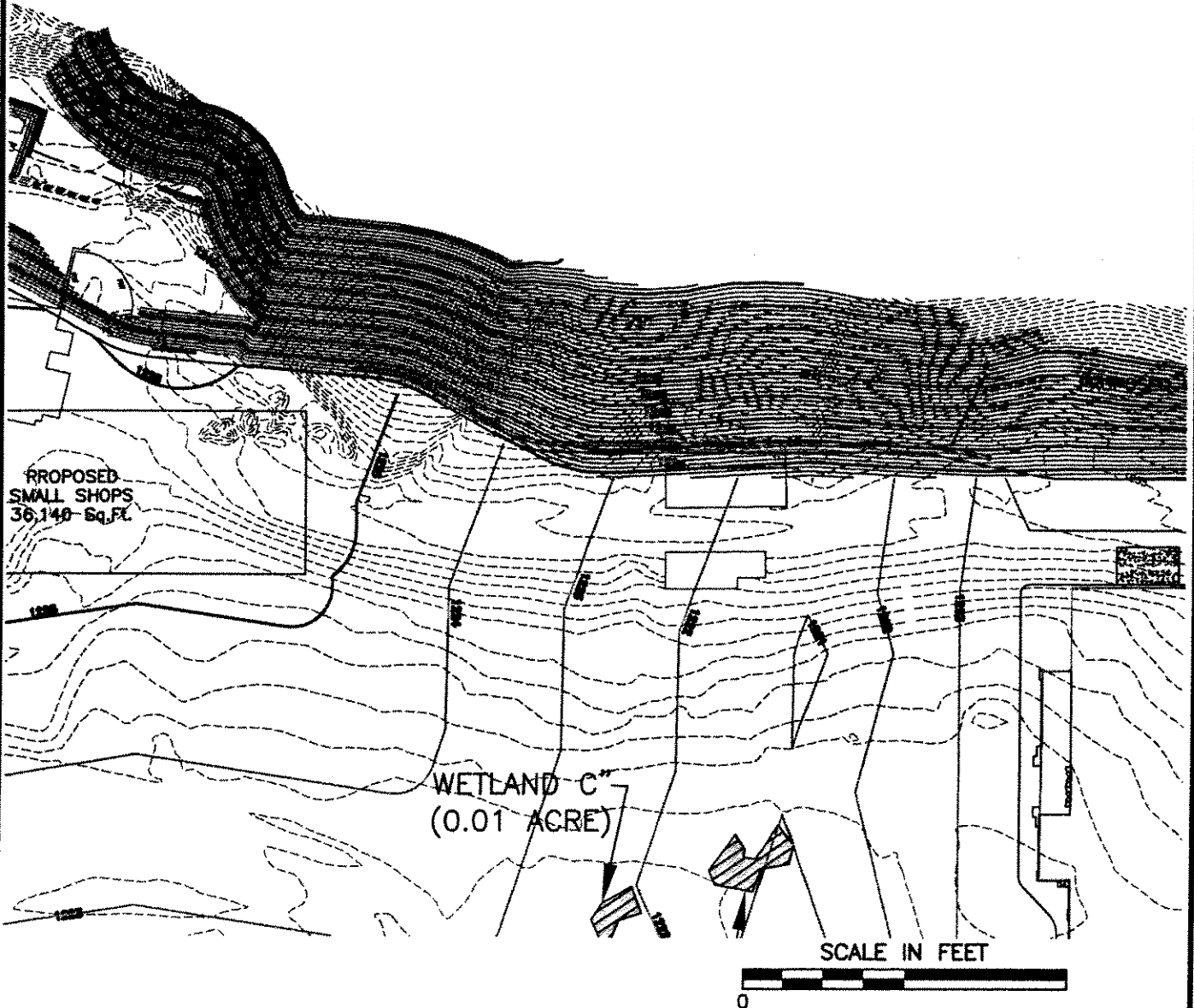
**PROJECT NO.:**

**231700**

**FIGURE NO.:**

**7**

NORTH



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**FIGURE 8**  
**WARREN COMMONS**  
**WARREN, PENNSYLVANIA**

DWN. BY: DBH

SCALE:

DATE:

PROJECT NO.:

FIGURE NO.:

CHKD. BY: MRH

1"=100'

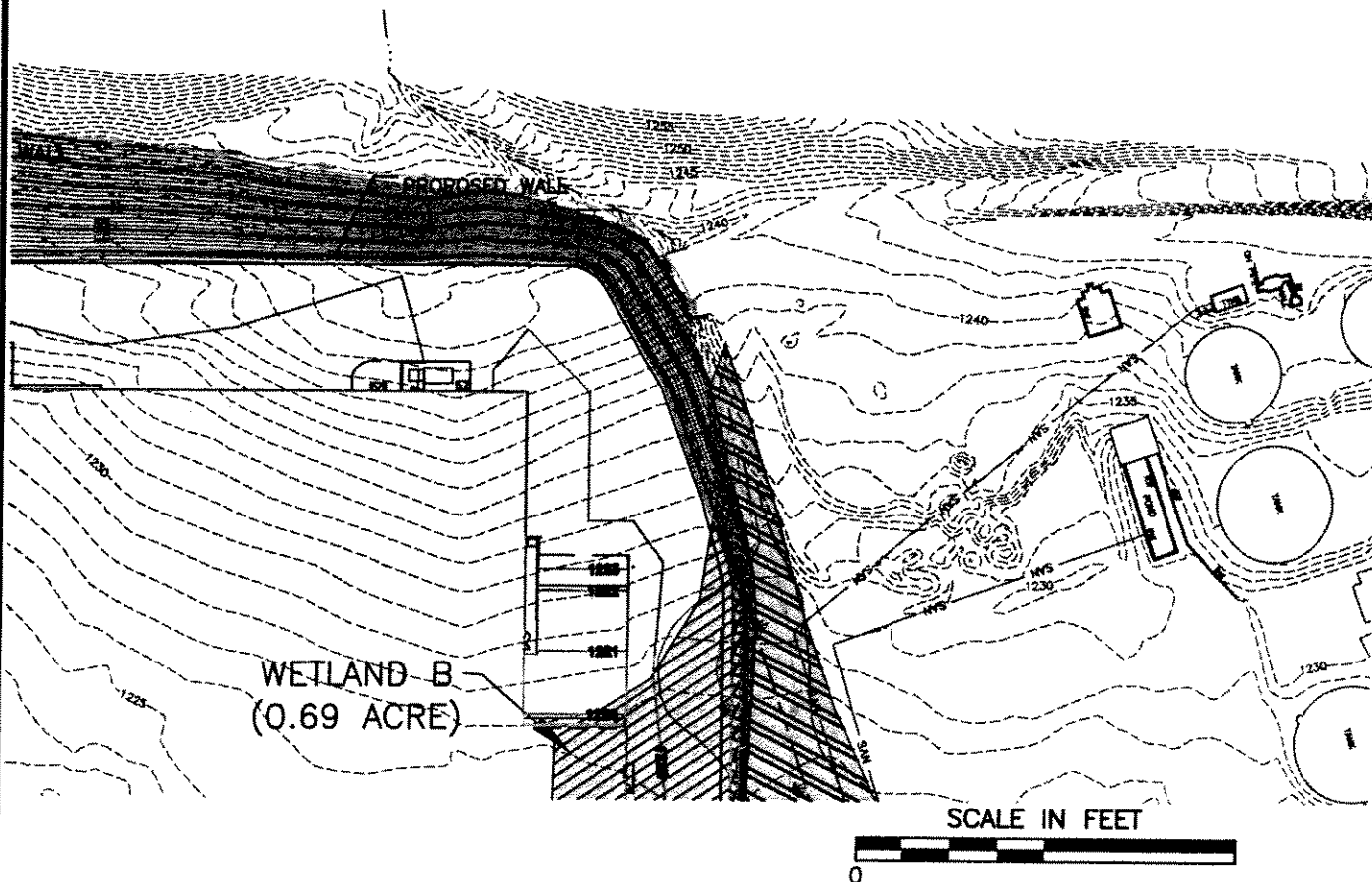
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231700

8

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NORTH



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**FIGURE 9  
WARREN COMMONS  
WARREN, PENNSYLVANIA**

DWN. BY: DBH

SCALE:

1"=100'

DATE:

10/20/06

PROJECT NO.:

231700

FIGURE NO.:

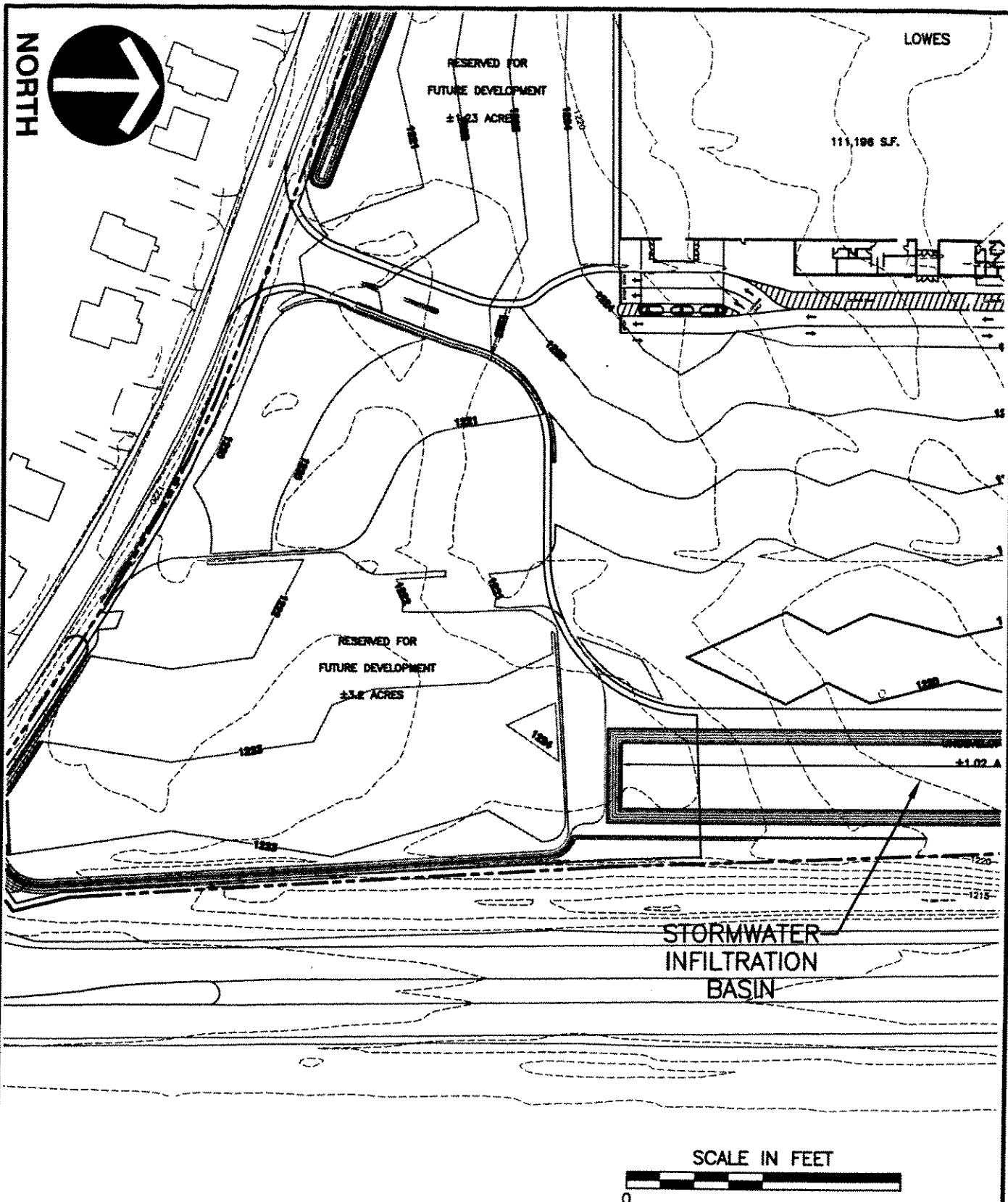
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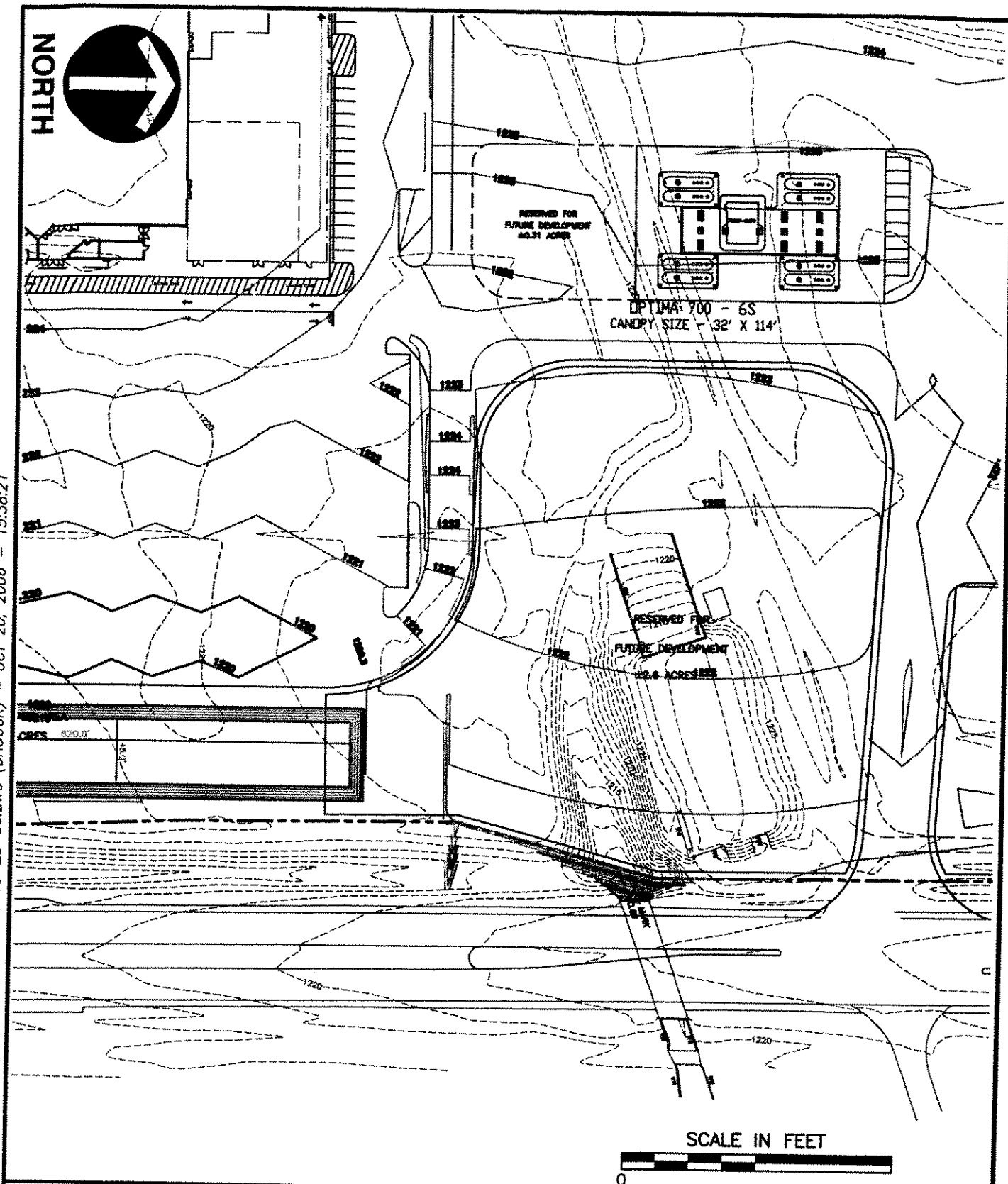
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**FIGURE 10  
WARREN COMMONS  
WARREN, PENNSYLVANIA**

<b>DWN. BY:</b> DBH	<b>SCALE:</b> 1"=100'	<b>DATE:</b> 10/20/06	<b>PROJECT NO.:</b> 231700	<b>FIGURE NO.:</b> 10
<b>CHKD. BY:</b> MRH				

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(412)429-2324 • (800)365-2324

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**FIGURE 11  
WARREN COMMONS  
WARREN, PENNSYLVANIA**

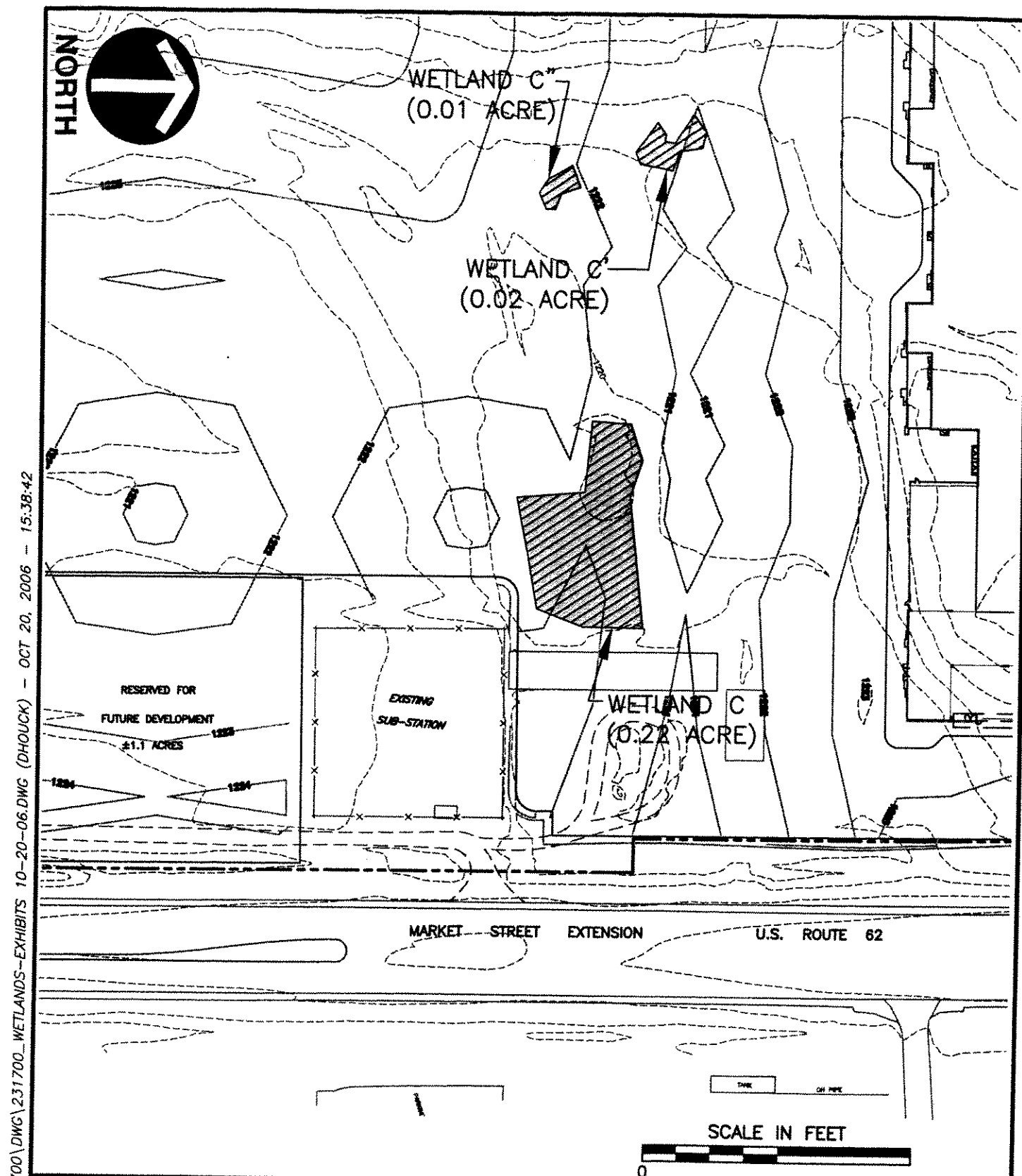
**DWN. BY: DBH**  
**CHKD. BY: MRH**

**SCALE:**  
**1"=100'**

**DATE:**  
**10/20/06**

**PROJECT NO.:**  
**231700**

**FIGURE NO.:**  
**11**



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**SCALE:**

$$1'' = 100'$$

DATE:

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**PROJECT NO.:**

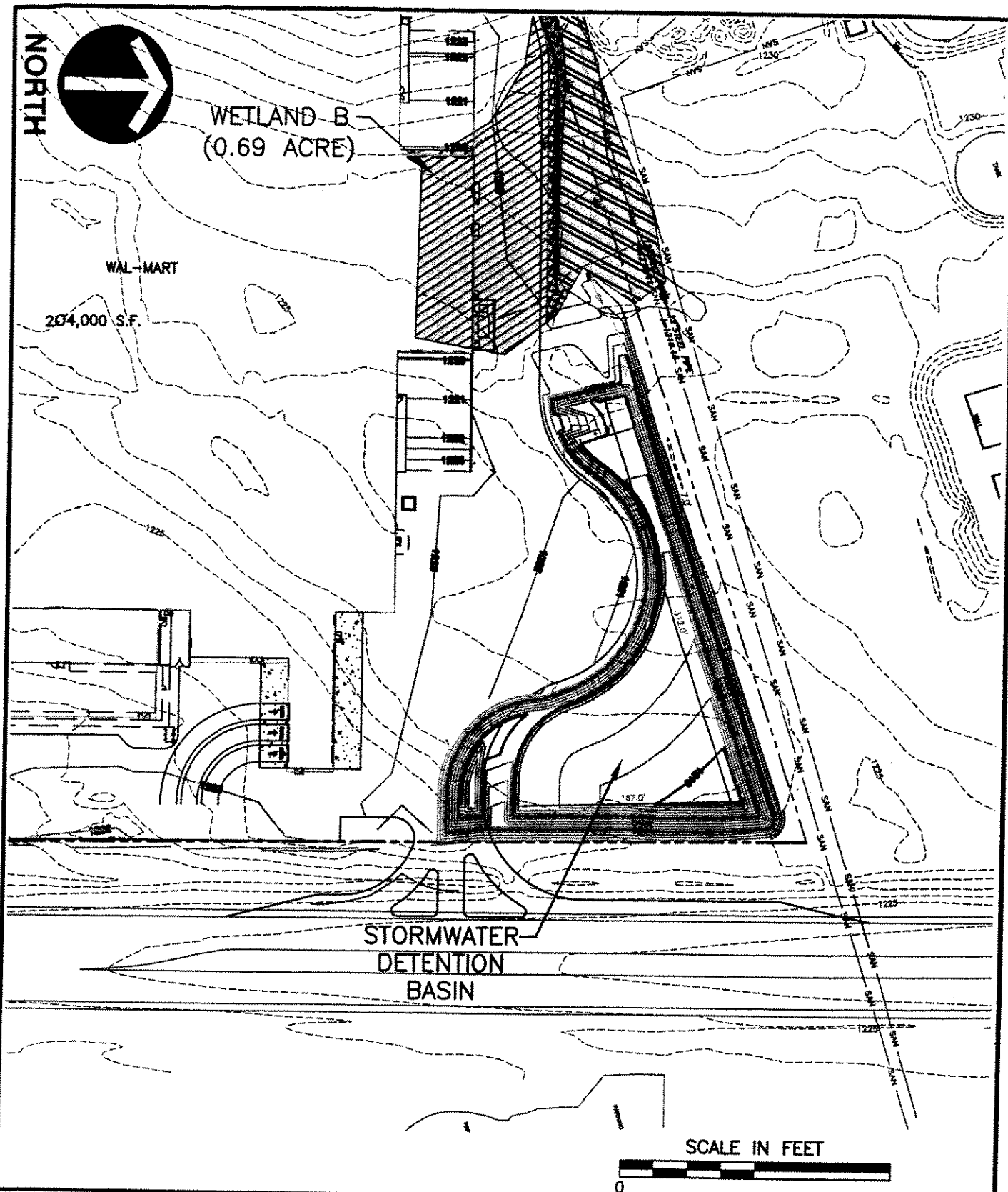
231700

FIGURE NO.:

12

FIGURE 12  
WARREN COMMONS  
WARREN, PENNSYLVANIA

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SCALE:

1"=100'

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FIGURE NO.:

13